

The Case of the Right Honourable Henrietta Maria, Lady Wentworth, Daughter and Heir of Thomas Lord Wentworth, and Grandchild and Heir of Thomas Earl of Cleaveland, an Infant, in reference to the Bill presented to the Honourable House of Commons, for giving the Barons of His Majesties Exchequer, a further power extrajudicially to settle the said Earls Estate.

That the said Earl and Lord *Wentworth*, having contracted great Debts, by reason of their Loyalty to His Majesty, and His Royal Father of blessed memory, secured by Mortgages, Statutes, Judgements, &c. which Debts being exceedingly increased by length of time at interest, and Sequestration of the profits; And the Creditors getting into possession of their whole Estate, so that they had nothing left to maintain themselves, or to prosecute the Creditors to bring them to account, did the 12th of His Majesty that now is, apply themselves to Parliament, who took their Services and Sufferings into consideration; and for their relief, did then pass an Act, by which the Barons of His Majesties Court of *Exchequer*, were authorized for seven years, in a summary way, without Bill or Answer, to state Accounts between the said Earl and his Creditors; which being done, the Trustees in the said Act named, were to sell Land to pay the said Debts in the said Act mentioned.

That in the said Act the pretended Debt of 6000 *l.* to the Lady *Ann Poole*, and *Dorothy*, and *Lucy Withypole* is not named.

That the Earl being advised by his Council, that the powers in the said Act were too short to obtain the said end, did the 13th of His Majesties Reign, prefer another Bill in Parliament, which after it was engrossed, the *Proviso* in the said second Act, touching the said pretended Debt, was presented, but never Committed or Examined; and the Earl to his dying day, did constantly affirm, that he owed no such Debt, nor knew how the said *Proviso* came to be added to the Bill.

That by the said *Proviso*, the pretended Debt of 6000 *l.* therein mentioned, is not to be paid until the Debts in the said former Acts were first satisfied.

That by another Act, passed the 18th of His said Majesties Reign, the said Barons powers was enlarged for two years.

That the said Earl during all the time of his life, made it his constant business and labour to bring his affairs to a conclusion by the power the Barons had by virtue of the said Act.

But the said Barons found so many difficulties in proceeding by the said Act, being out of the ordinary course of Equity, That nothing was done by them by virtue of the said Acts; but both the Creditors, and the Lady *Wentworth* in the behalf of her Self and her Daughter, were left to the ordinary ways of Equity, both in the *Exchequer* and *Chancery*: Whereupon Decrees did ensue, and the Lady *Wentworth*, by the Credit and Assistance of her Friends, and by great sums of Money taken up at interest, and great Thrift in living, hath purchased in some of the Mortgages, and others having eat out themselves, the Mortgagees have obtained Decrees for their quiet enjoyment; so that during these fourteen years since the passing of the first Act, some hundreds of Conveyances, Fines, Decrees, and Settlements, have passed in the said Estate; Purchasers for valuable considerations, and many Infants besides the Lady *Henrietta Wentworth* are concern'd, and divers Discents cast; so that if the Parliament by any Act, should unravel Estates so long since, and for such valuable considerations settled, no man would dare to purchase any thing, nor could tell when he should be safe if he did.

That during the nine years in which the said Barons had power to proceed in a Summary way, by virtue of the said Acts, Neither the said Lady *Poole*, or Mrs. *Dorothy*, or *Lucy Withypole*, made any application to the said Barons, or commenced any Suit either in Law or Equity for the said pretended Debt; or so much as demanded the same of the said Earl (as the Lady *Wentworth* hath ever heard.) although he lived above six years after the passing of the said first Act; nor since his death hath commenced any Suit against the Lady *Wentworth*, or the Lady *Henrietta* her Daughter, or ever demanded the same of them or either of them, until about a month since, by Mr. *Powell* a Member of the Honourable House of Commons. Nor did they ever claim the said Debt at *Worcester house* in the late usurped times, where all the said Earls Creditors did claim their respective Debts, and had satisfaction ordered them; and neither they, or any other Creditor of the said Earl, need give themselves the trouble to pursue an Act of Parliament for the same, in regard the Courts at *Westminster-Hall* are open to them, where they may apply themselves; And the Lady *Wentworth* and her Daughter will waive her privilege, and answer them, or any of them, either in Law or Equity. And as hitherto they have received no benefit by the said Acts, neither do they desire any, but are willing they should be repealed, and that themselves and Creditors, should be left to the Law.

*And therefore humbly hope and pray, that after all the Miseries and Sufferings of the Earl of Cleaveland and his Family, the Parliament will not put such a note of distinction upon them from all the rest of His Majesties Subjects, but suffer them to enjoy the benefit of the Law, as all others do and not provide an unusual remedy for the Lady *Poole*, or any other Creditor of the said Earl, who have the same with all His Majesties Subjects for the recovery of their Debts.*

